

HOUSE No. 1498

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to nursing home audit disallowances. Elder Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO NURSING HOME AUDIT DISALLOWANCES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 7 of chapter 118G, as appearing in the 2002 Official
2 Edition, is hereby amended by inserting in line 31 the
3 following:— In the event the division conducts or utilizes an audit
4 of nursing facilities' base year costs for the purpose of reducing
5 rates below levels that would be in effect in the absence of the
6 audit, the division shall (1) conduct a field audit of fifty percent of
7 total nursing facilities licensed in the base year in accordance with
8 specified, uniform criteria; (2) inform each audited nursing
9 facility in writing of its right to appeal to the division of adminis-
10 trative law appeals each and every audit disallowance to which the
11 nursing facility is subject; (3) delay implementing the audit until
12 all appeals by nursing facilities have been completely adjudicated
13 by the division of administrative law appeals; (4) delay imple-
14 menting the audit until the division has conducted a public
15 hearing the notice of which describes with particularity the
16 methodology, audit criteria and substantive standards utilized in
17 the audit and the impact of implementing the audit on quality care
18 for nursing facility residents; and (5) not implement any audit dis-
19 allowance that is not fully concluded in accordance with the pre-
20 ceding subsections by one year after the conclusion of the base
21 period.